

Decision 19-04-033 April 25, 2019

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In The Matter of the Application of San Diego Gas & Electric Company (U902G) and Southern California Gas Company (U904G) for a Certificate of Public Convenience and Necessity for the Pipeline Safety & Reliability Project.

Application 15-09-013

**DECISION GRANTING COMPENSATION TO THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISION 18-06-028**

Intervenor: The Utility Reform Network	For contribution to Decision (D.) 18-06-028
Claimed: \$178,603.42	Awarded: \$178,603.42
Assigned Commissioner: Liane M. Randolph	Assigned ALJ: Colette E. Kersten

**PART I: PROCEDURAL ISSUES:**

A. Brief description of Decision:	D.18-06-028 rejected the request by SoCalGas and SDG&E to spend approximately \$640 million to build a new transmission pipeline (Line 3602) into San Diego, and to reduce the pressure and reclassify existing transmission line 1600, based on a lack of need to meet natural gas demand, and the ability to meet short term peak gas needs with other sources. The Decision orders the Sempra energy utilities to submit a plan to hydrotest Line 1600 or replace it within the same pipeline corridor, and to conduct an audit of the records concerning Line 1600. Finally, the decision orders the SED to initiate a study to determine whether there is a need for revising the utilities' existing definition of a transmission pipeline.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	September 22, 2016	Verified
2. Other specified date for NOI:	n/a	
3. Date NOI filed:	October 24, 2016	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4)):		
5. Based on ALJ ruling issued in proceeding number:	A.15-03-005	Verified
6. Date of ALJ ruling:	08/06/2015	Verified
7. Based on another CPUC determination (specify):	n/a	
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
Showing of “significant financial hardship” (§1802(h) or §1803.1(b))		
9. Based on ALJ ruling issued in proceeding number:	A.15-03-005	Verified
10. Date of ALJ ruling:	08/06/2015	Verified
11. Based on another CPUC determination (specify):	n/a	
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.18-06-028	Verified
14. Date of issuance of Final Order or Decision:	6/26/2018	Verified
15. File date of compensation request:	8/22/2018	Verified
16. Was the request for compensation timely?		Yes

## C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
5, 9	TURN did not receive an affirmative ruling on its Notice of Intent in this proceeding. As explained in the Commission's Intervenor Compensation guide, "normally, an ALJ Ruling need not be issued unless: (a) the NOI has requested a finding of "significant financial hardship" under § 1802(g); (b) the NOI is deficient; or (c) the ALJ desires to provide guidance on specific issues of the NOI." (page 12) Since none of these factors apply to the NOI submitted in this proceeding, there was no need for an ALJ ruling in response to TURN's NOI.	Confirmed

**PART II: SUBSTANTIAL CONTRIBUTION:**

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059).

Intervenor's Claimed Contribution(s) to D.18-06-028 and Proceeding Rulings	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>Adequacy of Application</p> <p>TURN protested the original application and recommended that the Commission order an amended application to address certain data deficiencies pursuant to Rule 3.1.</p> <p>The AC and ALJ agreed and ordered the Applicants to file an amended application that provides significantly more historical data and analysis concerning the relative costs and benefits of different alternatives.</p>	<p>TURN Protest, Nov. 2, 2015, p. 2-3.</p> <p>TURN Protest, April 21, 2016, p. 1-2.</p> <p>ACR, January 22, 2016, p. 6-7, 11-18.</p>	
<p>Planning Assumptions (Sec. 4)</p> <p>TURN did not weigh in on planning assumptions, and relied on the work of SCGC and Sierra Club.</p>		
<p>Need for New Capacity for Reliability to Meet Peak Load Criteria (Sec. 5)</p>		

<p>TURN relied on the testimony of Applicants and SCGC to argue that 1) there was no capacity shortfall with existing system capacity; 2) there was only a minimal “shortfall” of 20 MMcf/d of capacity before 2023, and only in the situation where Line 1600 was derated and reclassified; 3) the proposed Line 3602 would not be constructed in time to provide such additional capacity; and 4) the additional shortfall if Line 1600 is derated could be provided by alternative supplies.</p> <p>The Commission agreed with stakeholders that Line 3602 was not needed to meet reliability criteria. The Commission did not reach a conclusion on TURN’s argument regarding the level of need if Line 1600 is derated since the Decision denies the request to derate Line 1600.</p>	<p>TURN Opening Brief, Nov. 22, 2017, pp. 6, 9, 8-12.</p> <p>D.18-06-028, p. 23-24 (discussing TURN position)</p>  <p>D.18-06-028, Sec. 4.1.3.</p> <p>D.18-06-028, p. 17-18 (“We acknowledge TURN's argument that there might be more "slack" in the system over and above the strict system capacity numbers, depending on system conditions.”)</p>	<p>Verified</p>  <p>Verified</p>  <p>Verified</p>
<p>Need for Additional Capacity for Reliability to Address Emergency Conditions (Sec. 5)</p> <p>TURN argued that building a duplicative pipeline is an unreasonable method to address potential low probability <i>force majeure</i> conditions due to a failure at the existing pipeline or existing compressor station, because 1) it would not help with upstream supply shortages; and 2) it is not a cost effective alternative.</p> <p>The Commission determined that existing reliability standards already “take into account” the ability to address “emergency conditions.”</p> <p>The Commission also found that “redundancy” does not equal resiliency, and that other alternative solutions might provide better resiliency without relying on the</p>	<p>TURN Opening Brief, Nov. 22, 2017, p. 12-16.</p> <p>D.18-06-028, p. 26-27 (discussing TURN position)</p>  <p>D.18-06-028, p. 30-32.</p>  <p>D.18-06-028, p. 32.</p>	<p>Verified</p>  <p>Verified</p>  <p>Verified</p>

same receipt point.		
<p>Ability to Meet Short Term Capacity Needs with the Otay Mesa Alternative</p> <p>TURN relied on the testimony submitted by SCGC, as supplemented by TURN's cross-examination and hearing exhibits, to show that there is sufficient firm capacity available for delivery at Otay Mesa to meet any potential capacity need in the case that line 1600 is derated.</p> <p>TURN also argued that there is at least 100 MMcfd of interruptible capacity available at Otay Mesa during winter months, which are the months when gas demand is highest.</p> <p>The Commission agreed that supplies at Otay Mesa, or demand reductions due to battery storage, could provide sufficient capacity to meet the minimal shortfall in case Line 1600 is derated.</p>	<p>TURN Opening Brief, Nov. 22, 2017, p. 17-32.</p> <p>D.18-06-028, p. 35 (describing TURN position)</p> <p>D.18-06-028, p. 37-39 ("In summary, based on the previous market analysis, the Applicants have not justified why a 200 MMcfd capacity increase at tremendous expense is needed to meet a relatively small reduction of 25 MMcfd if the MAOP of Line 1600 is lowered. This reduction can be met through various supply alternatives subject to verification via the results of a RFO.")</p>	<p>Verified</p> <p>Verified</p>
<p>Use of RFO to Test Ability to Deliver at Otay Mesa (Sec. 6 and 8)</p> <p>TURN further recommended a process for the utilities to develop RFO specifications to submit to the Commission for approval via an Advice Letter, to test the potential of obtaining different types of supplies at Otay Mesa.</p> <p>The Commission agreed that an RFO process would be useful to determine how to ensure adequate capacity both 1) in case Line 1600 MAOP is lowered to 320, and/or 2) to provide emergency supplies.</p> <p>The Commission encouraged Applicants to consult with stakeholders to determine the parameters of an RFO.</p>	<p>TURN Opening Brief, Nov. 22, 2017, p. 32-34.</p> <p>D.18-06-028, p. 48 (describing TURN position)</p> <p>D.18-06-028, p. 50-51 ("Therefore, we agree with TURN and other parties that the information from bidders in response to a well-constructed RFO could prove useful in the future to help evaluate the potential of Otay Mesa to provide back-up if the pressure of Line 1600 is further reduced, to mitigate a potential</p>	<p>Verified</p> <p>Verified</p>

	emergency that could result in curtailments, and to potentially be better prepared for force majeure events.”)	
<p>Safety of Existing Line 1600 at Transmission Level Pressures (Section 10)</p> <p>TURN submitted expert testimony and argument recommending that the Commission order Applicants to derate Line 1600 to distribution level pressure as soon as possible, and at the same time require Applicants to use of certain TIMP assessment measures on a derating Line 1600, even if it is considered a distribution line.</p> <p>The Commission favorably cited several of TURN’s arguments, and found that “From the standpoint of safety, reliability, feasibility, and cost and other criteria, it is difficult to assess whether Line 1600 should remain at 512 psig or 320 psig in the short term.” (p. 80)</p> <p>Nevertheless, considering the impacts on safety, reliability and feasibility, the Commission agreed with POC that it is reasonable to pressure test Line 1600 and maintain it as a transmission pipeline at 512 psig in the short term, and to reduce the MAOP “as soon as practicable while maintaining reliability.” (p. 81)</p> <p>The Commission likewise agreed with TURN that a final determination regarding derating Line 1600 can best be made after testing the potential for additional capacity through an RFO and conducting the records audit.</p>	<p>Berger Direct Testimony, April 17, 2017, p. 5-9, 13.</p> <p>TURN Opening Brief, Nov. 22, 2017, p. 34-45.</p> <p>D.18-06-028, p. 55, 78 (describing TURN position)</p> <p>D.18-06-028, p. 80-81; COL 12 and 13.</p> <p>TURN Opening Brief, Nov. 22, 2017, p. 28-32.</p> <p>D.18-06-028, p. 81.</p>	<p>Verified</p> <p>p. 84 Verified</p> <p>Verified</p>
Reclassification of Existing Line 1600 and Pressure Reduction (Section 9.3)		

<p>TURN provided expert testimony arguing that if a pressure reduction results in all segments of Line 1600 operating at less than 20% SMYS, then Line 1600 could be considered a distribution line pursuant to federal regulations.</p> <p>The Commission agreed that TURN provided some “compelling factual arguments,” and concluded that the record was insufficient to establish “a new definition of distribution center.” The Commission concluded that Line 1600 would be classified as a transmission line for the foreseeable future, consistent with the SED recommendation, but the Commission thus ordered SED to conduct a study regarding the appropriate definition of “distribution center.”</p>	<p>Berger Testimony, April 17, 2017, p. 3-5.</p> <p>TURN Opening Brief, Nov. 22, 2017, p. 45-48.</p> <p>D.18-06-028, Section 9.3 (summarizing TURN position at p. 68-71, Discussion at p. 72-74) (“The Applicants, UCAN, and TURN, provide some compelling factual arguments why Line 1600 would qualify as a distribution line pursuant to federal regulations.”)</p>	<p>Section 9.3.5 Verified</p>
<p>PSEP Decision Tree</p> <p>TURN did not take positions or make recommendations concerning the applicability of the PSEP decision tree.</p>		
<p>Contributions to Revisions of Proposed Decision</p> <p>TURN explained that the conclusion regarding the safety of Line 1600 at 512 psig must be modified to correspond to the factual record. The Commission modified the relevant text as proposed by TURN.</p> <p>TURN and SCGC rebutted the Applicants’ contentions regarding Due Process and CEQA, and the Commission agreed with those positions.</p>	<p>TURN Comments on PD, p. 3-6.</p> <p>D.18-06-028, p. 79.</p> <p>TURN and SCGC Reply Comments on PD.</p> <p>D.18-06-028, Sections 14.1.1 (parties’ positions) and 14.1.2 (discussion).</p>	<p>Verified</p> <p>Verified</p>

## B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocate's Office at the California Public Utilities Commission (Cal Advocates) a party to the proceeding? <sup>1</sup>	Yes	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified
c. If so, provide name of other parties: SCGC; Sierra Club; UCAN; POC		Verified
d. Intervenor's claim of non-duplication: TURN's compensation in this proceeding should not be reduced for duplication of the showings of other parties. In a proceeding involving multiple participants, it is virtually impossible for TURN to completely avoid some duplication of the work of other parties.  In this case, TURN closely coordinated with multiple intervenors (ORA, Sierra Club, SCGC, POC and UCAN) to keep duplication to a minimum, and to ensure that when it did happen, our work served to complement and assist the showings of the other parties. TURN participated in several coordination phone calls intended to develop litigation strategy and coordinate resources. As a result, TURN did not submit expert testimony concerning need, but instead relied on the testimony of SCGC witness Yap and Sierra Club witness Caldwell.  TURN sponsored independent testimony concerning the safety of Line 1600 and argued that Line 1600 should be derated immediately, without any need for replacement capacity.  Any incidental duplication that may have occurred here was more than offset by TURN's unique contribution to the proceeding. Under these circumstances, no reduction to our compensation due to duplication is warranted given the standard adopted by the Commission in D.03-03-031.		Noted

<sup>1</sup> The Office of Ratepayer Advocates (ORA) was renamed the Public Advocate's Office at the California Public Utilities Commission (Cal Advocates), pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.



## C. Additional Comments on Part II:

#	Intervenor's Comment	CPUC Discussion
All	<p><u>Partial Success:</u> The statutory definition of “substantial contribution” in Section 1802 of the PU Code states that a contribution results because the Commission “has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer.”</p> <p>The Commission has interpreted the “in whole or in part” provision, in conjunction with Section 1801.3, so as to effectuate the legislature’s intent to encourage effective and efficient intervenor participation. The Commission has established as a general proposition that when a party makes a substantial contribution in a multi-issue proceeding, it is entitled to compensation for time and expenses even if it does not prevail on some of the issues. See, for example, D.98-04-028 (awarding TURN full compensation in CTC proceeding, even though TURN did not prevail on all issues); D.98-08-016, pp. 6, 12 (awarding TURN full compensation in SoCalGas PBR proceeding); D.00-02-008, pp. 4-7, 10 (awarding TURN full compensation even though we unsuccessfully opposed settlement).</p> <p>The standard for an award of intervenor compensation is whether TURN made a substantial contribution to the Commission’s decision, not whether TURN prevailed on a particular issue, or on every issue. For example, the Commission recognized that it “may benefit from an intervenor’s participation even where the Commission did not adopt any of the intervenor’s positions or recommendations.” D.08-04-004, p. 5-6 (in the review of SCE’s contract with Long Beach Generation, A.06-11-007). The Commission reached a similar conclusion in D.09-04-027, awarding intervenor compensation for TURN’s efforts in the SCE AMI proceeding (A.07-07-026) even on issues where TURN did not prevail, as TURN’s efforts “contributed to the inclusion of these issues in the Commission’s deliberation” and caused the Commission to “add more discussion on the issue, in part to address TURN’s comments.” D.09-04-027, p. 4. See, also, D.10-06-046, p. 5; D.02-07-030); D.00-07-015; D.98-11-014, p. 8.</p> <p>In this proceeding, the Commission adopted findings and conclusions consistent with TURN’s primary recommendation that there is no need for the proposed Line 3602, and that alternative supplies to replace any short term</p>	Noted

needs could be obtained through an RFO for gas deliveries at Otay Mesa.  Even though the Commission rejected some of TURN's policy recommendations (for example, immediately derating Line 1600), TURN suggests that the scope of TURN substantial contributions warrants compensation for all of TURN's time and expenses in this proceeding.	
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### **PART III: REASONABLENESS OF REQUESTED COMPENSATION:**

#### **A. General Claim of Reasonableness (§ 1801 and § 1806):**

<p>a. Intervenor's claim of cost reasonableness:</p> <p>TURN requests compensation for approximately \$179,000 in intervenor compensation. This is a tiny fraction of the approximately \$640 million in capital expenditures which the Commission rejected in this proceeding. TURN's participation contributed to the Commission finding that the utility request to spend approximately \$640 million on a new pipeline was unnecessary and unreasonable.</p> <p>TURN likewise argued that it was unnecessary to pressure test existing Line 1600, as it was safer and reasonable to derate Line 1600 to distribution pressure and obtain any additional supplies at the Otay Mesa receipt point. The Commission, however, ordered the Applicants to submit a proposal to pressure test line 1600, and to derate Line 1600 at some point in the future if it were no longer needed.</p>	<p><u>CPUC Discussion</u></p> <p>Noted</p>
<p>b. Reasonableness of hours claimed:</p> <p>TURN devoted a total of approximately 320 hours of attorney time and approximately 190 hours of expert witness and consultant time in this proceeding, for work that started in late 2015 and continued until 2018. TURN suggests that 513 hours of work is reasonable due to the highly contentious nature of the issues surrounding this \$640 million proposed pipeline. TURN details that nature of the attorney and expert work below.</p> <p><u>Reasonableness of Attorney Hours:</u></p> <p>TURN devoted a total of approximately 320 hours of attorney time, the vast majority of which was due to the time for Mr. Marcel Hawiger. Such an amount of time, which represents a total of 8 weeks of one FTE, is reasonable given the magnitude of the proposed capital investment, the complexity of the issues concerning both the need for pipeline capacity and the safety of</p>	<p>Noted</p>

the existing 1949 Line 1600, the litigiousness of the proceeding, and the timeline of the case.

Marcel Hawiger

Mr. Hawiger was the lead attorney on this proceeding, and devoted 282 hours to the proceeding. Mr. Hawiger has been a staff attorney with TURN since 1998. Mr. Hawiger has been the lead attorney on many proceedings, including general rate cases, electric and gas procurement cases, cases addressing demand-side management programs and policies, and various applications for utility infrastructure investments.

Mr. Hawiger conducted the majority of all work related to this proceeding, including working with expert witnesses to develop positions and testimonies, reading relevant pleadings and testimonies from other parties, conducting cross examination at hearings, and drafting most of the briefs and pleadings submitted by TURN in this proceeding.

Hayley Goodson

Ms. Goodson has been a staff attorney with TURN since 2003. She has been TURN's lead attorney on many cases, including general rate cases, energy efficiency program applications, and other cases directly impacting consumer interests.

Ms. Goodson covered a portion of the evidentiary hearings during Mr. Hawiger's absence, and conducted cross-examination concerning safety issues. She devoted approximately 18 hours to the proceeding.

Thomas Long

Mr. Long, TURN's legal director, provided legal advice and assisted in the selection of an expert safety witness. He spent a very limited 1.5 hours on the proceeding.

Robert Finkelstein

Mr. Finkelstein provided significant support during Mr. Hawiger's absence by representing TURN at the oral argument and helping to draft reply comments on the proposed decision. He devoted approximately 20 hours to the proceeding.

Reasonableness of Expert Hours:

TURN submitted expert testimony from Mr. David Berger concerning safety issues. However, TURN retained the services of three other outside experts, as well as TURN's in-house energy analyst, to evaluate issues concerning need and cost-effectiveness. Those very limited consultations were incorporated into TURN's pleadings and positions. By coordinating with other intervenors and relying on their expert testimonies, TURN minimized the amount of expert witness hours in this proceeding.

Eric Borden

Mr. Borden is TURN's in-house energy analyst and joined TURN in February 2015. Prior to TURN, Mr. Borden worked as a consultant in energy and finance for approximately seven years. Mr. Borden has submitted testimonies in prior CPUC proceedings.

In this proceeding Mr. Borden devoted approximately 20 hours in 2016 to evaluating the Applicants' cost-effectiveness analysis and preparing data requests concerning the cost-effectiveness analysis. Mr. Borden was preparing to submit testimony concerning the relative cost-effectiveness of replacing Line 1600 with pipelines of different diameters and capacities. However, the Presiding Officer ruled on November 4, 2016 that cost-effectiveness would be addressed in Phase 2. Ultimately, Phase 2 was not commenced due to the finding of a lack of need for any new pipeline.

TURN submits that it was reasonable and appropriate to start work on the critical cost-effectiveness issue, and TURN devoted only a limited amount of time to this issue prior to the issuance of the Scoping Memo, which occurred more than one year after the filing of the application. Thus, TURN requests compensation for all of Mr. Borden's time.

David Berger

TURN retained Mr. David Berger to evaluate the potential safety risks of Line 1600 and to assess whether it was necessary to derate Line 1600, as proposed by the Applicants, or to hydro test Line 1600 and maintain it as a transmission line. Mr. Berger has over 25 years of experience in natural gas pipeline operations and risk management. After working for about 15 years for a utility in various roles, including as manager of

pipeline integrity, distribution integrity, and corrosion control, Mr. Berger has been consulting exclusively for state and federal regulatory agencies and non-utility parties. Mr. Berger has worked for California's Safety and Enforcement Division, and he consults extensively with PHMSA on pipeline integrity management issues. Mr. Berger submitted direct testimony for TURN on safety issues, identified as Exhibit TURN-01 in the record. His full qualifications are included as Attachment A to Exhibit TURN-01.

Mr. Berger devoted approximately 160 hours of work to this proceeding. Mr. Berger reviewed all of Applicants' testimonies, data responses, and technical reports concerning the safety, history and integrity evaluations of Line 1600. Mr. Berger sponsored testimony concerning the optimal way to address potential risks present on line 1600.

Kevin Woodruff

Mr. Kevin Woodruff has been an expert witness for TURN for over a decade, working on conventional procurement, resource adequacy and wholesale market issues. He has over 25 years of experience in electric resource planning and modeling. He has testified on numerous occasions before this Commission.

In this proceeding, TURN retained Mr. Woodruff to provide a very limited (less than 2 hours) review of intervenor testimonies related to the issue of gas system "flexibility" and operations of electric generators in the San Diego basin. This review assisted TURN in forming opinions concerning the need for the proposed Line 3602 to help with EG natural gas load.

Catherine Yap

Ms. Yap was the primary witness addressing need for SCGC. TURN retained Ms. Yap for a very limited (less than 4 hours) review and consultation concerning the physical and economic potential of moving gas from the ECA LNG facility into the SoCalGas system through Otay Mesa, so as to evaluate the feasibility of the Otay Mesa alternative.

Herbert Emmrich

Mr. Herbert Emmrich is a veteran of the gas industry, having worked for over twenty years at SoCalGas, conducting economic and gas demand forecasting and holding various

<p>management and director level positions. Mr. Emmrich testified on numerous occasions before this Commission as a utility witness. Mr. Emmrich is presently a consultant, and testified for TURN on gas demand and gas market issues in A.13-12-013.</p> <p>In this case, TURN retained Mr. Emmrich to provide limited (less than 10 hours) advice and consultation regarding gas market issues related to the alleged need for the proposed pipeline. Due to coordination with SCGC, TURN did not need to use Mr. Emmrich to sponsor testimony and conduct more extensive work.</p>	
<p>c. Allocation of hours by issue:</p> <p>The original filed application requested authority to build a new pipeline to increase capacity into the San Diego basin by approximately 200 MMcfd in order to improve the reliability and resiliency of gas service in the San Diego area, and also to reduce the pressure on existing pipeline 1600 so as to derate the pipeline to distribution service.</p> <p>By Rulings issued on November 4, 2016 and December 22, 2016, the Assigned Commissioner identified the scope of the proceeding and established two phases for the proceeding, with Phase 1 addressing 1) long-term need for a new pipeline, 2) planning assumptions, 3) supply availability at the Otay Mesa receipt point, and 4) Line 1600 safety compliance.<sup>2</sup> Significantly, the question of the cost-effectiveness of different alternatives to meet an identified long-term need was to be addressed in Phase 2. However, based on the finding of a lack of need for the new pipeline, Phase 2 was terminated.</p> <p>TURN uses a combination of activity and issue codes when itemizing the hourly work performed by attorneys and consultants. Issue codes track directly to issues within the scope of the proceeding. Activity codes identify work that is not necessarily separable by specific issue.</p> <p>For example, some work is fundamental to active participation in a Commission proceeding, and may not be allocable by issue and/or the amount of time required may not vary by the number of issues. Examples of these tasks include reviewing other parties' testimony and filings, reviewing the proposed and any alternate decision; attending prehearing conferences and ex</p>	<p>Noted</p>

<sup>2</sup> Scoping Ruling, November 4, 2016, at 14-18.

parte meetings; and preparing compensation filings. TURN uses the activity code “GP” to represent such general participation time that is not allocable by issue. Also, sometimes work spans multiple issues and cannot be separately coded by issue. TURN generally used the activity code “#” to denote work that covers multiple issues and cannot be easily allocated to specific issues.

Based on the contemporaneous time sheet, the following table reflects the allocation of total time (attorney and expert) by issue and activity code. A more detailed breakdown by attorney and consultant hours is provided in the compensation spreadsheets. Based on a review of various pleadings, TURN notes that much of the attorney work that could not be directly assigned to specific issues (GP, #, GH) likely involved work related to either “safety” issues (derating) or the potential to use alternative supplies through Otay Mesa to replace any capacity lost due to derating of Line 1600.

Code	Description	% of Attorney Hours	% of Expert Hours	% of Total Hours
GP	General work necessary for participation which does not necessarily vary with the number of issues	16%	0%	10%
#	Work covering multiple issues that cannot be easily segregated	9%	0%	6%
c/e	Evaluation of cost effectiveness of no pipeline and different size pipeline alternatives	5%	11%	7%
Disc	Issues related to discovery requests and disputes that cannot be allocated to specific issue	3%	0%	2%
Coord	Coordination with other intervenors to develop strategy and allocate work	7%	0%	5%
App	Work related to deficiencies in original application	1%	0%	1%
GH	Attending hearings and status conference, not allocable to specific issue	10%	0%	6%

Safety	Analysis of safety of line 1600 and relative benefits of derating (reducing pressure) versus pressure testing	17%	84%	42%
T Defn	Analysis of definition of Line 1600 pursuant to federal regulations	7%	3%	6%
Need	Analysis of need for new pipeline capacity for reliability, resiliency and/or flexibility	4%	1%	3%
OM	Analysis of alternative supplies at Otay Mesa receipt point	8%	1%	5%
PD	Review and comments on proposed decision	11%	0%	7%
Proc	Procedural Issues	1%	0%	1%

## B. Specific Claim:\*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
<u>Attorney</u>								
Marcel Hawiger	2015	14.50	\$410	D.16-11-016	\$5,945.00	14.50	\$410.00	\$5,945.00
Marcel Hawiger	2016	44.75	\$415	D.16-06-024	\$18,571.25	44.75	\$415.00	\$18,571.25
Marcel Hawiger	2017	159.50	\$425	Res. ALJ-345 (2.14% COLA for 2017)	\$67,787.50	159.50	\$425.00	\$67,787.50
Marcel Hawiger	2018	64.00	\$435	D.18-06-023	\$27,840.00	64.00	\$435.00	\$27,840.00
Robert Finkelstein	2015	0.75	\$505	D.16-11-004	\$378.75	0.75	\$505.00	\$378.75
Robert Finkelstein	2017	0.25	\$520	Res. ALJ-345 (2.14% COLA for 2017)	\$130.00	0.25	\$520.00	\$130.00
Robert Finkelstein	2018	18.50	\$530	Res. ALJ-352 (2.3% 2018 COLA)	\$9,805.00	18.50	\$530.00	\$9,805.00
Thomas Long	2015	1.00	\$570	D.15-06-021, p. 28	\$570.00	1.00	\$570.00	\$570.00



Thomas Long	2016	0.50	\$575	D.16-11-004	\$287.50	0.50	\$575.00	\$287.50
Hayley Goodson	2017	18.75	\$405	D.18-01-020	\$7,593.75	18.75	\$405.00	\$7,593.75
Expert								
Eric Borden	2016	19.00	\$190	D.17-04-032	\$3,610.00	19.00	\$190.00	\$3,610.00
David Berger	2015	11.00	\$200	D.18-04-021	\$2,200.00	11.00	\$200.00	\$2,200.00
David Berger	2016	17.50	\$200	D.18-04-021	\$3,500.00	17.50	\$200.00	\$3,500.00
David Berger	2017	123.75	\$200	2016 rate	\$24,750.00	123.75	\$200.00	\$24,750.00
David Berger	2018	6.00	\$200	2016 rate	\$1,200.00	6.00	\$200.00	\$1,200.00
Catherine Yap	2017	3.75	\$280	D.17-04-014	\$1,050.00	3.75	\$280.00	\$1,050.00
Kevin Woodruff	2017	1.75	\$260	D.17-11-029	\$455.00	1.75	\$260.00	\$455.00
Herbert Emmrich	2015	4.00	\$50	D.18-02-014	\$200.00	4.00	\$50.00	\$200.00
Herbert Emmrich	2016	2.50	\$50	2015 rate	\$125.00	2.50	\$50.00	\$125.00
Herbert Emmrich	2017	2.00	\$50	2015 rate	\$100.00	2.00	\$50.00	\$100.00
Subtotal: \$176,098.75						Subtotal: \$176,098.75		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Marcel Hawiger	2016	0.5	\$207.50	One-half of 2016 rate	\$103.75	0.50	\$207.50	\$103.75
Marcel Hawiger	2018	10	\$217.50	One-half of 2018 rate	\$2,175.00	10.00	\$217.50	\$2,175.00
Subtotal: \$2,278.75						Subtotal: \$2,278.75		
COSTS								
#	Item	Detail			Amount	Amount		
	Copying	Copying of testimony and pleadings for ALJ and Commissioner offices			\$18.40	\$18.40		
	Postage	Postage and FedEx for testimonies and pleadings to CPUC			\$62.57	\$62.57		
	Phone	Phone bills for long-distance calls			\$26.54	\$26.54		

	Lexis/Nexis	Charges for Lexis legal research	\$118.41	\$118.41
Subtotal: \$225.92				Subtotal: \$225.92
TOTAL REQUEST: \$178,603.42				TOTAL AWARD: \$178,603.42
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate</p>				
ATTORNEY INFORMATION				
Attorney		Date Admitted to CA BAR <sup>3</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Marcel Hawiger		1/1998	194244	No
Hayley Goodson		12/2003	228535	No
Robert Finkelstein		06/1990	146391	No
Thomas Long		12/1986	124776	No

## C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Attorney Time Sheets
Attachment 3	Expert Time Sheets
Attachment 4	Direct Expenses Detail
Comment 1:	<p>Time Keeping</p> <p>TURN's attorneys and consultants maintained detailed contemporaneous time records indicating the number of hours devoted to work on this case. In preparing this compensation request, Mr. Hawiger reviewed all of the recorded hours devoted to this proceeding and included only those that were reasonable and relevant to the issues addressed in the decision.</p>
Comment 2	Hourly Rates

<sup>3</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

	<p>All hourly rates in this compensation request have either been previously authorized by the Commission, or are based on previously authorized rates escalated by the appropriate COLA factor for one year.</p> <p><u>Hourly Rate for Berger</u></p> <p>TURN has used the authorized 2016 rate for Mr. Berger for work conducted in 2017 and 2018, because that is the rate charged directly by Mr. Berger in this proceeding pursuant to contract. However, Mr. Berger may charge a different rate for his work in 2017 and 2018 in other proceedings. Thus, TURN reserves the right to request a higher rate for Mr. Berger in another proceeding if necessary.</p> <p><u>Hourly Rate for Emmrich</u></p> <p>Similarly, TURN used the authorized 2015 rate for Mr. Emmrich for work conducted in 2016 and 2017, because that was the billed rate. However, Mr. Emmrich charged TURN a significantly discounted non-profit rate. TURN reserves the right to request a higher rate for Mr. Emmrich in another proceeding if necessary.</p>
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#### **PART IV: OPPOSITIONS AND COMMENTS**

(Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c)))

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived ( <i>see</i> Rule 14.6(c)(6))?	Yes

#### **FINDINGS OF FACT**

1. The Utility Reform Network has made a substantial contribution to D.18-06-028.
2. The requested hourly rates for The Utility Reform Network's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$178,603.42.

**CONCLUSION OF LAW**

The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

**ORDER**

1. The Utility Reform Network is awarded \$178,603.42.
2. Within 30 days of the effective date of this decision, San Diego Gas & Electric Company ratepayers and Southern California Gas Company ratepayers shall pay The Utility Reform Network their respective shares of the award, based on their California-jurisdictional gas revenues for the 2017 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning November 6, 2018, the 75<sup>th</sup> day after the filing of The Utility Reform Network's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated April 25, 2019, at San Francisco, California.

MICHAEL PICKER

President

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

Commissioners

**APPENDIX**

## Compensation Decision Summary Information

Compensation Decision:	D1904033	Modifies Decision?	No
Contribution Decision(s):	D1806028		
Proceeding(s):	A1509013		
Author:	ALJ Kersten		
Payer(s):	San Diego Gas & Electric Company ratepayers and Southern California Gas Company ratepayers.		

## Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change / Disallowance
The Utility Reform Network	8/22/2018	\$178,603.42	\$178,603.42	N/A	N/A

## Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Marcel	Hawiger	Attorney	\$410.00	2015	\$410.00
Marcel	Hawiger	Attorney	\$415.00	2016	\$415.00
Marcel	Hawiger	Attorney	\$425.00	2017	\$425.00
Marcel	Hawiger	Attorney	\$435.00	2018	\$435.00
Robert	Finkelstein	Attorney	\$505.00	2015	\$505.00
Robert	Finkelstein	Attorney	\$520.00	2017	\$520.00
Robert	Finkelstein	Attorney	\$530.00	2018	\$530.00
Thomas	Long	Attorney	\$570.00	2015	\$570.00
Thomas	Long	Attorney	\$575.00	2016	\$575.00
Hayley	Goodson	Attorney	\$405.00	2017	\$405.00
Eric	Borden	Expert	\$190.00	2016	\$190.00
David	Berger	Expert	\$200.00	2015	\$200.00
David	Berger	Expert	\$200.00	2016	\$200.00
David	Berger	Expert	\$200.00	2017	\$200.00
David	Berger	Expert	\$200.00	2018	\$200.00
Catherine	Yap	Expert	\$280.00	2017	\$280.00
Kevin	Woodruff	Expert	\$260.00	2017	\$260.00
Herbert	Emmrich	Expert	\$50.00	2015	\$50.00
Herbert	Emmrich	Expert	\$50.00	2016	\$50.00
Herbert	Emmrich	Expert	\$50.00	2017	\$50.00

**(END OF APPENDIX)**